

# CREIZMAN LLC

565 Fifth Avenue  
7th Floor  
New York, New York 10017  
tel: (212) 972-0200  
fax: (646) 200-5022  
ecreiz@creizmanllc.com  
[www.creizmanllc.com](http://www.creizmanllc.com)

*By ECF*

September 10, 2013

The Honorable Joel A. Pisano  
United States District Judge  
United States District Court  
District of New Jersey  
402 East State Street  
Trenton, New Jersey 08608

**Re: *United States v. Eliyahu Weinstein, et al.*, Docket No. 11-CR-701 (JAP)**

A few hours ago, I received the government's opposition papers in response to Mr. Weinstein's motions to dismiss the criminal complaint in 13-MJ-8148 (MCA) and for release pending sentencing. As I informed the Court last week, I am starting a lengthy, multi-defendant criminal trial later this morning in the United States District Court for the Southern District of New York. In order to adequately reply to the arguments raised in government's well-written and thoroughly researched memoranda—however misguided and fallacious those arguments are—given my current schedule, I respectfully request until midnight Wednesday, September 11, 2013 to file Mr. Weinstein's reply papers. Furthermore, in light of the significance of these motions, I would like the opportunity, as Mr. Weinstein's lead counsel, to participate in oral argument on the motions. If the Court has any availability this Friday morning, I respectfully request that the Court schedule oral argument then.

My associate, Caroline Polisi, will appear for Wednesday's hearing on the pending motions to quash filed by Messrs. Schoen and Klingeman to address those motions and scheduling with respect to oral argument on Mr. Weinstein's pending motions. To that end, my trial schedule is from Monday through Thursday, 9:30 a.m. to 5:30 p.m., with Fridays off. I can make myself available during lunch breaks by telephone. Trial proceedings will not be held on Thursday, September 19, and Thursday, September 26 for observance of the Jewish holidays (which also occur on Friday, September 20, and Friday, September 27).

With respect to the motions to quash, the government has declined our request to review its responses to Mr. Schoen and Mr. Klingeman's motions, which were filed under seal. It is our position that the government's subpoenas require Mr. Weinstein's prior counsel to give testimony that the government may consider incriminating against Mr. Weinstein. Thus, the

Hon. Joel A. Pisano  
September 10, 2013  
P a g e | 2

motions to quash directly impact Mr. Weinstein, and the government should be ordered to provide its papers to us so that Mr. Weinstein can intervene and weigh in on the issues raised in the motions.

I thank the Court for its consideration in this matter.

Respectfully submitted,

/s/ Eric M. Creizman

Eric M. Creizman

cc: Gurbir Grewal, Esq., Zach Intrater, Esq., Rachel Honig, Esq. (by ECF and email)  
Assistant United States Attorneys  
Henry Klingeman, Esq. (by email)  
David Schoen, Esq. (by email)